

The Honorable John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMAZON.COM, INC., *et al.*

Defendants.

Case No. 2:23-cv-0932-JHC

**DECLARATION OF OLIVIA
JERJIAN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SANCTIONS DUE TO DEFENDANT
AMAZON.COM, INC.'S
SYSTEMATIC ABUSE OF
PRIVILEGE CLAIMS**

I, Olivia Jerjian, hereby state that I have personal knowledge of the facts set forth below.

If called as a witness, I could and would testify as follows:

1. I am a United States citizen and am over eighteen years of age. I am a staff attorney in the Division of Enforcement, Bureau of Consumer Protection at the Federal Trade Commission (FTC). My office address is 600 Pennsylvania Avenue, NW, Washington, DC 20580.

2. Consistent with Local Rule 10(e)(10), orange highlighting has been added to the attachments to indicate excerpts referenced in the FTC's Reply in Support of its Motion for

1 Additional Fact-Witness Depositions. Blue highlighting represents material that is being filed
2 under seal and will be redacted in the public version of the attachments.

3 3. Attachment 1 to this declaration is a copy of a document produced by Amazon
4 during this litigation, with beginning Bates number AMZN-PRM-FTC-002710773.

5 4. Attachment 2 to this declaration is a copy of a February 14, 2025 letter from
6 counsel for the FTC to counsel for Amazon.

7 5. Attachment 3 to this declaration is a copy of a January 26, 2024 letter from
8 counsel for the FTC to counsel for Amazon.

9 6. Attachment 4 to this declaration is a copy of a March 27, 2024 email from counsel
10 for the FTC to counsel for Amazon.

11 7. Attachment 5 to this declaration is a copy of an April 16, 2024 letter from counsel
12 for the FTC to counsel for Amazon.

13 8. Attachment 6 to this declaration is a copy of a February 7, 2024 email from
14 counsel for Amazon to counsel for the FTC.

15 9. Attachment 7 to this declaration is a copy of an April 12, 2024 letter from counsel
16 for Amazon to counsel for the FTC.

17 10. Attachment 8 to this declaration is a copy of a document produced by Amazon
18 during this litigation, with beginning Bates number AMZN-PRM-FTC-002788044.

19 11. Attachment 9 to this declaration is a copy of a May 10, 2024 letter from counsel
20 for Amazon to counsel for the FTC.

21 12. Attachment 10 to this declaration is a copy of a document produced by Amazon
22 during this litigation, with beginning Bates number AMZN-PRM-FTC-002757091.
23

1 13. Attachment 11 to this declaration is a copy of a document produced by Amazon
2 during this litigation, with beginning Bates number AMZN-PRM-FTC-002771943.

3 14. Attachment 12 to this declaration is a copy of an April 11, 2025 letter from
4 counsel for Amazon to counsel for the FTC.

5 15. Attachment 13 to this declaration is a copy of a document produced by Amazon
6 during this litigation, with beginning Bates number AMZN-PRM-FTC-002708424.

7 16. Attachment 14 to this declaration is a copy of a document produced by Amazon
8 during the investigation leading to this litigation, with beginning Bates number
9 AMZN_00087314.

10 17. Attachment 15 to this declaration is a copy of a document produced by Amazon
11 during this litigation, with beginning Bates number AMZN-PRM-FTC-002713958.

12 18. Attachment 16 to this declaration is a copy of a document produced by Amazon
13 during this litigation, with beginning Bates number AMZN-PRM-FTC-002713961.

14 19. Attachment 17 to this declaration is a copy of an excerpt of the November 19,
15 2024 deposition of Defendant Neil Lindsay.

16 20. Attachment 18 to this declaration is a copy of the Certification of Compliance
17 pursuant to 28 U.S.C. § 1746 submitted by Benjamin Langner (on behalf of Amazon) to the FTC
18 on October 7, 2022 during the investigation leading up to this case.

19 21. Attachment 19 to this declaration is a chart reflecting partial information
20 contained in six entries in the privilege log Amazon produced in this litigation.

21 22. Attachment 20 to this declaration is a copy of a document produced by Amazon
22 during this litigation, with beginning Bates number AMZN-PRM-FTC-002623648.

23. Attachment 21 to this declaration is a copy of an excerpt of the November 16, 2022 investigational hearing of Defendant Jamil Ghani.¹

24. Attachment 26 to this declaration is a copy of a document produced by Amazon during this litigation, with beginning Bates number AMZN-PRM-FTC-002710894.

25. Attachment 32 to this declaration is a copy of a document produced by Amazon during the litigation, with beginning Bates number AMZN-PRM-FTC-002713769.

26. Amazon has clawed back a small percentage of documents as inadvertent productions in the course of this litigation (mistakes that disclosed information).

27. The FTC's Request for Documents No. 45(e) in its Second Set of RFPs, issued on August 30, 2023, reads as follows: "All Documents relating to or referring to, including all notes taken at [t]he December 3, 2020 meeting with Doug Herrington, see AMZN_00022861, and any meeting held in preparation for that meeting."

28. In an April 28, 2025 email to counsel to the FTC, counsel for Amazon stated the following on the re-review of its privilege log:

Amazon endeavored to re-review all of the documents it had identified as privileged during this litigation and the preceding investigation. Subject to limitations inherent in document review and database reporting, and reserving all rights:

1. *Amazon re-reviewed approximately 76,500 documents*
2. *Amazon re-reviewed and produced as Partially Privileged approximately 12,500 documents*
3. *Amazon re-reviewed and produced as Not Privileged approximately 58,000 documents*

29. The log entries in the privilege log that Amazon produced on August 16, 2024 in the course of this litigation span AMZN-PRM-FTC-LOG-19 through -71362.

¹ There are no Attachments 22 through 25 and 27 through 31.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on May 7, 2025

/s/ Olivia Jerjian

3 Olivia Jerjian